

P27087.A02

Group I, claims 1-10 and 15-19, asserted to be drawn to a process for producing a decoration and relief classified in class 144, subclass 358; and

Group II, claims 11-14 and 20, asserted to be drawn to a board classified in class 281, subclass unknown.

The Examiner asserted that the inventions of Groups I and II were related as process of making and product made, and that the inventions are distinct from each other under M.P.E.P. § 806.05(f) because "[t]he product as claimed can be made by another materially different process, in the instant case, a female die does not have to interact with the pressing plate."

Applicant submits that the restriction requirement set forth by the Examiner omits one of the two criteria for a proper restriction requirement now established by the U.S. Patent and Trademark Office policy. As set forth in M.P.E.P. § 803 "an appropriate explanation" must be set forth by the Examiner as to the existence of a "serious burden" if the restriction were not required. By virtue of the Examiner's requirement and because the claims of the various groups are closely related, it is submitted that there is no serious burden on the Examiner in examining all of the claims together.

Furthermore, Applicant believes that the search for all of the claims includes at least some amount of overlap. For example, both groups require a wood-based material board with a top side having a decoration and a relief that is stamped into a layer of synthetic resin. Thus, no serious burden would come to bear on the Examiner.

For the above-noted reasons, and consistent with the office policy as set forth in M.P.E.P. § 803, Applicant respectfully requests that the Examiner reconsider the

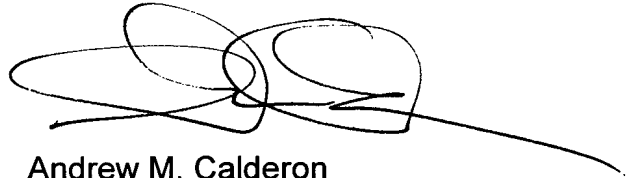
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position taken in the above-mentioned Official Action and withdraw the restriction requirement in the present application. Accordingly, the Examiner's restriction requirement is believed to be improper and has been traversed for the reasons set forth above.

Nevertheless, in order to be fully responsive, Applicant has elected with traverse the invention defined by the Examiner as Group I, claims 1-10 and 15-19 in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

The Commissioner is hereby authorized to charge and fees necessary for the consideration of this paper to deposit account 19-0089.

Respectfully submitted,
Hans VOGEL

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', with a long horizontal line extending to the right.

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